

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILLIE R. BUSH,
Petitioner,

v.

TRACEY JOHNSON, Warden,
Respondent.

CV 23-5150 DSF (MRW)

Order DISMISSING Action for
Failing to Pay Filing Fee or
Respond to Court Order

All parties instituting a habeas action in a district court of the United States must pay a filing fee. 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay the filing fee only if the party is granted leave to proceed in forma pauperis. See 28 U.S.C. § 1915(a)(1); Rule 3(a), 28 U.S.C. foll. § 2254

On July 13, 2023, the Court postponed ruling on Petitioner's incomplete request to proceed in forma pauperis and directed him to refile a fully completed request, pay the filing fee, or voluntarily dismiss the action if he no longer wished to pursue it. (Dkt. 9). The Court warned that if Petitioner did not comply within 30 days, the case would be dismissed without prejudice. (Id.)

To date, Petitioner has not paid the filing fee or otherwise responded to the Court's order.

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Accordingly, this action is DISMISSED without prejudice. See, e.g., Dumphy v. CDC, 2008 WL 4344767, at *1 (S.D. Cal. Sept. 23, 2008) (federal court cannot proceed on habeas petition until petitioner has paid fee or qualified for in forma pauperis status, and properly dismisses action without prejudice if petitioner fails to do either).

IT IS SO ORDERED.

Date: August 30, 2023

A handwritten signature in blue ink, reading "Dale S. Fischer", is written over a horizontal line.

Dale S. Fischer
United States District Judge